

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 20,830
)	
Appeal of)	

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, setting an \$11 premium as a condition of eligibility for the Vermont Health Access Program (VHAP). The issue is whether the Department correctly calculated the amount of the petitioner's premium.

FINDINGS OF FACT

1. The petitioner is a single individual who applied for VHAP on or about February 1, 2007 as part of the prison release activation program. Petitioner was released on February 10, 2007 and found eligible for VHAP on February 20, 2007. Petitioner did not have any income at the time of application and did not have to pay a premium for VHAP.

2. On March 2, 2007, petitioner started to receive \$120 per week or \$516 per month in Unemployment Compensation benefits.

3. On March 15, 2007, the Department learned that the petitioner was receiving Unemployment Compensation benefits

and recalculated petitioner's VHAP eligibility. Based on petitioner's monthly income of \$516, the Department calculated an \$11 monthly premium and so notified petitioner.

4. Petitioner filed a request for fair hearing on April 16, 2007 and a fair hearing was held on April 25, 2007. Petitioner does not dispute the amount of his income. Petitioner has outstanding medical bills and is in need of ongoing medical treatment; he does not believe he has sufficient income to meet his living expenses and pay the premium. Petitioner was referred to the Health Care Ombudsman for advice regarding his medical bills.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP program was created to provide health insurance to low income Vermonters. W.A.M. \$ 4000. To qualify for eligibility, an applicant's income must be below certain limits. The Department counts all income whether the income is earned or unearned. In determining monthly income, the Department multiplies weekly income by 4.3 weeks. W.A.M. \$ 4001.81. Unemployment Compensation benefits are considered unearned income. W.A.M. \$ 4001.81(b). Petitioner receives

\$516 per month in Unemployment Compensation benefits and falls within the VHAP income guidelines.

The Department charges premiums as a condition of eligibility. The amount of premium is based on the federal poverty level (FPL). If an applicant's countable income is below 50 percent of the FPL, no premium is charged. If an applicant's countable income is between 50 percent through 75 percent of the FPL, the applicant will be charged a monthly premium of \$11. W.A.M. \$ 4001.91. A chart sets out the income limits by household size at P-2420B. For one person households, the maximum monthly limit for 50 percent of the FPL is \$426 and the maximum monthly limit for 75 percent of the FPL is \$639. Petitioner's countable income of \$516 falls between 50 percent and 75 percent of the federal poverty level for a household of one. Accordingly, the Department's decision to charge petitioner an \$11 monthly premium is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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